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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,403	05/16/2001	John K. Collings III	M004.P001U1	2462

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EXAMINER
VU, THONG H

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/858,403	COLLINGS, JOHN K.
	Examiner	Art Unit	
	Thong H Vu	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 January 2005</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>2-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>2-26</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

1.   Claims 2-26 are pending. Claims 1,27-65 are canceled.

Claim Rejections - 35 USC § 101

2.   The disclosed invention is inoperative and therefore lacks utility. (i.e.: computer readable medium).

3.   Claims 2-26 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a computer system or computer readable medium asserted utility or a well established utility.

Claims 2-26 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a computer system or computer readable medium asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 112

4.   Claim 6 is amended as depend on claim 1 which has been canceled. Correction is required. Examiner assumed claim 6 as independent claim.

5.   Claims 2-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention (i.e.: there is no client machine or server and computer readable medium to handle the event code).

6.   Claims 2-26 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Hardware or client/server/router machine is critical or

essential to the practice of the invention, but not included in the claim(s) is not enabled

by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

(i.e.: In the specification, page 8 lines 1-11, describes the power of pump station failure

and an event code is sent to a first technician, if the pump not starting an second event

code is sent to the second technician. This is the monitoring a plurality of sequent

events by categories and the event codes are different for each type of alarm/alert

(emphasize). However, page 8 lines 12-page 9 line 15, the backup function was

described when the first event code would be sent to the first technician, if not response

then the even code should be sent to the second technician second technician. In this

case, the event code is the same. Therefore, claim 6 (e) discloses a second event code

(i.e.: the pump not starting) is sent to the second technician was not appropriate

because it is not a backup function as described in specification page 8-9. It was

obvious the second event code is different to the first one. Correction is required.

7.   Claims 2-26 are rejected under 35 U.S.C. 112, first paragraph, because the

specification, while being enabling for the event code, does not reasonably provide

enablement for transmission medium in claim language. The specification does not

enable any person skilled in the art to which it pertains, or with which it is most nearly

connected, the event code and transmission medium, the invention commensurate in

scope with these claims

8.   Claims 2-26 are rejected as failing to define the invention in the manner required

by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or

operational language. The structure which goes to make up the device must be clearly

and positively specified. The structure must be organized and correlated in such a

manner as to present a complete operative device. The claim(s) must be in one

sentence form only. Note the format of the claims in the patent(s) cited.

9.   Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention (i.e.: backup response).

10.   Claims 2-26 are rejected under 35 U.S.C. 112, second paragraph, as failing to

set forth the subject matter which applicant(s) regard as their invention. Evidence that

claim 6 fail(s) to correspond in scope with that which applicant(s) regard as the

invention can be found in the reply filed (i.e.: an event code and the responses). In that

paper, applicant has stated displayed on computer screen, a local reporting device,

central event notification center, and this statement indicates that the invention is

different from what is defined in the claim(s) because the event code could be created

on any environment without mention to any computer readable medium. It is unclear

whether the claims are in the technologies arts.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 2-26 are rejected under 35 U.S.C. § 103 as being unpatentable over

Groath [6,571,285 B1] in view of Perholtz [5,566,339].

12.   As per claim 6, Groath discloses a method comprising the steps of:

a. transmitting to a first individual, via a not-automatically receipt confirmed

transmission medium (i.e.: pager, wireless, Radio) [Groath, wireless, col 1 lines 30-40;

radio button, col 16 lines 6-17; pager, col 120 line 1], a first data packet that includes a

first event code, the first event code corresponding to a first event [Groath, an event

code, col 120 lines 1-14];

b.upon receiving a response communication from the first individual, requesting

that the first individual respond with the first event codes [Groath, response with an

event code, col 7 lines 20-52; col 12 lines 38-48];

c. if the first individual responds by transmitting the first event codes then

identifying the event from the first event codes [Groath, response service, col 118 lines

11-col 119 line 63];

d. transmitting instructions relating to the event to the first individuals [Groath,

utilizes FTP to run other scripts, col 15 lines 60-67];

h. if the step of transmitting instructions relating to the first event to the first

individual has already been completed, then transmitting to the second individual an

indication that the second individual is not required to respond to the first event (i.e.: a

backup response, specification page 8 line 13-page 9 line 15) [Groath, a notification

session is completed, a historical record is made and accessible to authorized person,

col 8 lines 13-18; an individual from the project or event should be identified to received

backup completion notices. Thus this individual or second individual is not required to

response the backup process, col 173 lines 60-67]

However Groath does not explicitly detail e. transmitting to a second individual,

via a not-automatically receipt confirmed transmission medium, a second data packet

that includes a second event code, the second event code corresponding to the first

event;

f. upon receiving a response communication from the second individual,

requesting that the second individual respond with the second event code;

g. identifying the first event and the second individual from the second event

code;

In the same endeavor, Perholtz discloses an alert system warning to one or more

designated persons a plurality of events [Perholtz, abstract] wherein a alert code is

deliver to a pager [Perholtz, col 7 lines 36-56, including Workstation Failure alert, Total

Power failure alert, Smoke/Loud Sound alerts, col 37 lines 27-47, as a first event and

second event; the persons schedule to be notified of the alert, col 51 lines 36-57, a first

or second individual as design choice].

Therefore it would have been obvious to an ordinary skill in the art at the time of

the invention was made to incorporate the plurality of event code and the persons

schedule to be notified of the alert as taught by Perholtz into the Groath's apparatus in

order to utilize event notification process. Doing so would provide a backup and

warranty process to response to the event/alert notification on the network environment.

13.   As per claim 2, Groath-Perholtz disclose identifying the first individual from the

first event code [Perholtz, the persons schedule to be notified of the alert, col 51 lines

36-57].

14.   As per claim 3, Groath-Perholtz disclose identifying the first individual from a

caller identification data packet received from a telephone [Perholtz, a workstation

monitors the progress of telephone calls placed by the unit, col 29 lines 7-19]

15.   As per claim 4 Groath-Perholtz disclose the first event comprises all alarm at a

selected location [Perholtz, Workstation Failure alert, col 37 lines 27-47].

16.   As per claim 5, Groath-Perholtz disclose maintaining a record of the telephone

call received from the first individual [Perholtz, the applicable recorded voice message,

abstract].

17.   As per claim 7, Groath-Perholtz disclose the instructions include directions to a

location of the first event [Groath, network element geographic location data, network

element event data, col 35 lines 39-52].

18.   As per claim 8, Groath-Perholtz disclose selecting the first individual from a

plurality of individuals based upon a pre-selected set of criteria [Groath, predetermined

criteria, col 2 lines 7-24; col 110 lines 30-35;col 118 lines 1-10].

19.   As per claim 9, Groath-Perholtz disclose the pre-selected set of criteria include at

least one of the following:

a. who of the plurality of individuals is currently on duty; b. who of the plurality of

individuals is closest to a location of the first event; c. who of the plurality of individuals

is currently not assigned to another event; and d. who of the plurality of individuals is

most capable of responding to the first event as inherent features of the persons

schedule to be notified of the alert [Perholtz, col 51 lines 36-57].

20.   As per claim 10, Groath-Perholtz disclose transmitting to a local facility an

indication that the first event has occurred as inherent feature of a mobile switching

center [Perholtz, a telephone switch, col 58 lines 37-58].

21.   As per claim 11, Groath-Perholtz disclose displaying information relating to the

first event on a site accessible to a user via a global computer network [Groath, Internet,

global information, col 8 lines 42-65].

22.   As per claim 12, Groath-Perholtz disclose the information includes a graphical

display of a location of the first event [Groath, the graph may displayed via a browser,

col 65 lines 49-52].

23.   As per claim 13, Groath-Perholtz disclose the information includes a graphical

display of a nature of the first event [Groath, the graph may displayed via a browser, col

65 lines 49-52].

24.   As per claim 14, Groath-Perholtz disclose the information includes a graphical

display of a current location of the first individual [Groath, the graph may displayed via a

browser, col 65 lines 49-52].

25.   As per claim 15, Groath-Perholtz disclose verifying that the first individual has

responded to the first event by reading a personal identification of the first individual

[Groath, User ID, col 73 lines 35-40].

26.   As per claim 16, Groath-Perholtz disclose reading a personal identification

apparatus at a location of the first event [Groath, User ID, col 73 lines 35-40].

27.   As per claim 17, Groath-Perholtz disclose the verifying comprises the step of

reading biometric data at a location of the first event as inherent feature of database

design [Groath, analyze and display the data as reports, col 35 lines 35-40].

28.   As per claim 18, Groath-Perholtz disclose activating a service mode upon

completion of the verifying step, wherein the first event occurs at a first location and

wherein the service mode causes a pre-selected set of subsequent events occurring at

the first location to be ignored as inherent feature of database design [Groath, analyze

and display the data as reports, col 35 lines 35-40].

29.   As per claim 19, Groath-Perholtz disclose activating a service mode upon

completion of the verifying step, wherein the first event occurs at a first location and

wherein the service mode causes a pre-selected set of pending events occurring at the

first location to be ignored as inherent feature of database design [Groath, analyze and

display the data as reports, col 35 lines 35-40].

30.   As per claim 20, Groath-Perholtz disclose instructing the first individual to follow

a procedure to indicate acceptance of responsibility for the first event [Perholtz,

Workstation Failure alert, Total Power failure alert, Smoke/Loud Sound alerts, col 37

lines 27-47; the persons schedule to be notified of the alert, col 51 lines 36-57].

31.   As per claim 22, Groath-Perholtz disclose depressing a pre-seleded button on a

telephone handset [Perholtz, touch tone telephone, col 4 lines 55-58].

32.   As per claim 22, Groath-Perholtz disclose transmitting a description of the first

event to the first individual [Perholtz, the persons schedule to be notified of the alert, col

51 lines 36-57].

33.   As per claim 23, Groath-Perholtz disclose the transmitting at least one instruction

to the first individual as to how the first individual is to respond to the first event [Groath,

utilizes FTP to run other scripts, col 15 lines 60-67].

34.   As per claim 24, Groath-Perholtz disclose a plurality of events occurs at a

location and wherein if the first individual responds to the fist event then the first

individual accepts responsibility for each of the events of the plurality of events

[Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].

35.   As per claim 25, Groath-Perholtz disclose allowing the first individual to

selectively accept responsibility for each of the events of the plurality of events

[Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].

36.   As per claim 26, Groath-Perholtz disclose receiving acceptance for the

secondary event when the first individual indicates acceptance for the first event

[Perholtz, the persons schedule to be notified of the alert, col 51 lines 36-57].

       Any inquiry concerning this communication or earlier communications from the
examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904.
The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.
       If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, *Rupal Dharia*, can be reached at (571) 272-3880. The fax number for the
organization where this application or proceeding is assigned is 703-872-9306
       Information regarding the status of an application may be obtained from the Patent
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Thong Vu
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